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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,673

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Hanno Syrbe

941-012262-US (PAR)

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EXAMINER

DOAN, KIET M

ART UNIT

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/538,673	Applicant(s) SYRBE ET AL.	
	Examiner KIET DOAN	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 24-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 7-10 and 24-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/09/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is response to applicant's selection Election/Restriction file on 06/17/2009.

- Applicant's elects group I, claims 1-6, 7-10 and 24-40.
- The Applicant's Remarks and the claim set filed on 06/17/2009 shows an apparent error in the application serial number indicated at the top left corner as "US serial No. **10/024,121**, for the applicant's record please correct to US serial No. **10/538,673**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-37 are rejected under 35 U.S.C. 102 (e) as being anticipated by Rock et al. (US 2003/0052797 A1).

Consider **claim 1**. Rock teaches a method of determining the relative position of a mobile communication terminal in a cellular network to an object, comprising the steps of:

a) the mobile communication terminal determining its geographical position through cell identification or a more sophisticated cellular network based positioning

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method (Paragraphs [0055], [0061], Fig.1 and Fig.3 illustrate and teach satellite 7 as cell identify the location/position/direction of vehicle 9 carrying a mobile device 61),

b) the mobile communication terminal requesting the geographical position of an object via a cellular network based connection, either directly from said object if the object is capable of communicating with the mobile communication terminal and is aware of its geographical position (Paragraphs [0018], [0047-0048], [0151-0052] teach “speed trap” is read on “object” wherein the mobile phone 61 requesting/receiving the location/position of "speed trap/object" or

from a server having the geographical position of said object stored thereon [Paragraph [0072], [00126] teach database 55 contain information of “speed trap/object”),

c) said object or said server, sending the requested geographical location via a cellular network based connection to the mobile communication terminal in response to said request (Paragraphs [0072], [0081], Fig.8 show remote database 55 sending location/position of speed trap/object to mobile phone 61), and

d) said mobile communication terminal comparing its own geographical position with the received geographical position and determining the distance and direction to the received geographical position (Paragraphs [0012-0134], [0056], [0091-0092] teach mobile phone comparing it's own location with storage data received from database 55).

Consider **claims 2 and 33**. Rock teaches a method according to claim 1, in which said mobile communication terminal uses, when available, E-OTD instead of cell

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identification for determining its geographical position (Paragraphs [0162] teach determine location using Enhanced Observed Time Difference EOTD).

Consider **claim 3**. Rock teaches a method according to claim 1, in which said request and/or geographical position are sent in a text message or a multimedia message, preferably an SMS, MMS, WAP or XHTML message (Fig.7, No.65 show display text message).

Consider **claim 4**. Rock teaches a method according to claim 1, in which object or said terminal includes accuracy information of the sent geographical position (Paragraph [0061], [0127], Fig.8, GPS No.41).

Consider **claim 7**. Rock teaches a method according to claim 4, in which said mobile communication terminal determines the accuracy of said determined distance and direction (Paragraph [0061], [0093] teach determined direction travel, speed and distance).

Consider **claim 6**. Rock teaches a method according to claim 1, further comprising the step of prompting for user acceptance before said object replies a request to send its geographical position (Paragraph [0081])

Consider **claim 7**. Rock teaches a mobile communication terminal for use in a

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cellular network (Fig.12, No.61) comprising means for receiving a geographical location (Fig.8, No.41), means for determining the geographical position of the mobile communication terminal (Paragraph [0061]), and means for calculating the distance between said received geographical location and the geographical position of the mobile communication terminal (Abstract, Paragraph [0093], [0158], [0160]) teach determined direction travel, speed and distance and calculating distance).

Consider **claim 8**. Rock teaches a mobile communication terminal according to claim 7, further comprising means for determining in which direction the received direction geographical location is relative to the geographical position of the mobile communication terminal (Paragraphs [0092-0093], [0096-0097])

Consider **claim 9**. Rock teaches a mobile communication terminal according to claim 7, further comprising means to display geographical positions as geographical coordinates (Paragraph [0056], Fig.5, No.25).

Consider **claim 10**. Rock teaches a mobile communication terminal according to claim 7, further comprising means to attach geographical position information to entries in an address book or phonebook stored on the mobile communication terminal (Fig.8, show mobile telephone 61 contain function of memory 71 or working memory 51).

Consider **claim 24**. Rock teaches a mobile communication terminal for use in a cellular network (Fig.12, No.61), comprising means to determine the geographical position of the mobile terminal via interaction with said cellular network (Fig1, show mobile telephone interaction with satellite 7) and means for tracking changes in graphical position (Paragraphs [0092-0097] teach change of direction of mobile phone).

Consider **claim 25**. Rock teaches a mobile communication terminal according to claim 24, further comprising means for determining a distance traveled by said mobile communication terminal (Paragraphs [0092-0093]).

Consider **claim 26**. Rock teaches a mobile communication terminal according to claim 24, further comprising means for determining a direction traveled by said mobile communication terminal (Paragraph [0061])

Consider **claims 27 and 40**. Rock teaches a mobile communication terminal according to claim 24, further comprising means to reset and/or start said means for tracking changes in graphical position (Paragraph [0163] teach performing time offset between base station and mobile phone as read on reset and/or start said means for tracking changes in graphical position).

Consider **claim 28**. Rock teaches a mobile communication terminal according to claim 24, further comprising a display and means for showing the geographical location

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coordinates (Paragraphs [0058], [0088], Fig.2, No.25).

Consider **claim 29**. Rock teaches a mobile communication terminal according to claim 24, further comprising a display and means for showing the direction of travel (Paragraph [0088], Fig.2, No.25).

Consider **claim 30**. Rock teaches a mobile communication terminal according to claim 24, further comprising a display and means for showing the traveled path as a two dimensional graphical representation, preferably on a map (Paragraphs [0088], [0109]).

Consider **claims 31 and 32**. Rock teaches a mobile communication terminal according to claim 24, further comprising means to determine the accumulated traveled distance (Paragraph [0154], [0245])

Consider **claim 34**. Rock teaches a mobile communication terminal according to claim 24, in which the geographical position of the communication terminal at selected waypoints is sent to a server connected to the cellular network, for later retrieval and display on a geographical map on another terminal (Paragraphs [0081-0083]) preferably a terminal with a high resolution display and relatively high graphics processing power (Paragraphs [0058], [0088]).

Consider **claim 35**. Rock teaches a mobile communication terminal according to

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claim 24, in which a predetermined route can be stored, preferably as waypoints, said terminal preferable further comprising means for tracking the actual route followed by said terminal and compare the actual route with the predetermined route (Paragraphs [0091-0096]).

Consider **claims 36 and 37**. Rock teaches a mobile communication terminal according to claim 35, further comprising means to send a message to a server and/or notify the user of the terminal when the actual route of the mobile communication terminal matches the predetermined route (Paragraphs [0151-0154]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rock et al. (US 2003/0052797 A1) in view of Endo et al. (US 2002/0011941 A1).

Consider claim 38. Rock teaches a mobile communication terminal according to claim 26, **but is silent on** further comprising means for displaying the horizontal north relative to the last traveling direction, whereby the horizontal north preferably is displayed by a arrow pointing north when the display is oriented horizontally and the top of the display is directed in the last traveling direction.

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In an analogous art, **Endo teaches** further comprising means for displaying the horizontal north relative to the last traveling direction, whereby the horizontal north preferably is displayed by a arrow pointing north when the display is oriented horizontally and the top of the display is directed in the last traveling direction (Abstract, Paragraph [0019], claim 39 teach displaying bird's eye view as read on horizontal North).

Therefore, its would have been obvious at the time that the invention was made to modify Rock with Endo's system such that displaying horizontal north relative to the last traveling direction in order to provide simple clear vision for the user identify his/her position/location.

Consider **claim 39**. The combination of Rock and Endo a mobile communication terminal according to claim 38, Endo further teaches in which the actual position of the sun relative to the horizontal north is shown in the display (Paragraph [0021] teach displayed by bird's eye view as read on sun relative to the horizontal north is shown in the display).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIET DOAN whose telephone number is (571)272-7863. The examiner can normally be reached on 8am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kiet Doan/
Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617